

Service Date: June 21, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF RON DAVIS,)	TRANSPORTATION DIVISION
dba EXTREME LIMOUSINE, Billings,)	
Montana, Application for a Montana)	DOCKET NO. T-00.5.PCN
Intrastate Certificate of Public)	
Convenience and Necessity)	ORDER NO. 6482

ORDER DISMISSING APPLICATION

1. On January 3, 2000, Ron Davis, dba Extreme Limousine (Extreme Limo), filed before the Public Service Commission (PSC) an Application for a Montana Intrastate Certificate of Public Convenience and Necessity (application for motor carrier authority). The authority requested is Class B, passengers in limousine service between all points and places in Big Horn, Carbon, Musselshell, Stillwater, Treasure, and Yellowstone Counties, Montana. Protests to the application were filed by existing motor carriers, Milam, Inc., dba A-Limo Limousine Co. (A-Limo), and Ron and Debbie Kindsfather, dba Limo Scene Limousine Service (Limo Scene). Both protesting motor carriers hold motor carrier authority allowing the same transportation services and service areas, in whole or in part, which Extreme Limo has applied for.
2. On May 19, 2000, the PSC conducted a public hearing on Extreme Limo's application. The hearing was before a hearings examiner, PSC Commissioner Nancy McCaffree. At hearing Extreme Limo presented two witnesses, its owner (i.e., Davis) and Thomas Lund, director of production for the Alberta Bair Theater in Billings. Davis testified as to the vehicle intended to be used, the general plans for transportation operations, and plans for maintenance of the vehicle and training of drivers. Davis testified that the vehicle is a converted and customized ambulance. Lund testified in general that Extreme Limo could and would fill a need for transportation of certain passengers who might want service as proposed by Extreme Limo. Lund could not testify that the clientele of Alberta Bair Theater would necessarily prefer to use or use Extreme Limo's services. Extreme Limo presented no other witnesses.
3. Following Extreme Limo's case in chief, protestant A-Limo moved to dismiss the

matter on the grounds that the required need for the service proposed by Extreme Limo had not been established. The motion was initially taken under advisement and the hearing proceeded through the protestants' cases in chief. In their cases the protestants provided evidence that the need for limousine service in Extreme Limo's intended areas of operation is being met by the existing carriers, additional authorities are not necessary, and additional authority would harm existing services.

4. At the close of the evidentiary hearing, during discussion of the intentions of the parties regarding post-hearing procedure and the schedule for briefing, Extreme Limo indicated that it had completed its case and did not intend to pursue it further through briefing or otherwise, expressing frustration with the process and on several occasions indicating that no one told it what it was supposed to do. Given this the hearings examiner reconsidered A-Limo's pending motion to dismiss and granted it on the basis that Extreme Limo did not demonstrate a public need for its proposed services and did not appear to want to try to submit argument demonstrating otherwise and the protestants established that the need for additional services did not exist.

5. The PSC concurs with the dismissal. Therefore, in accordance with § 69-12-323, MCA, the PSC determines that the public convenience and necessity does not require the services proposed by Extreme Limousine. It is hereby ordered that the application of Ron Davis, dba Extreme Limousine, is dismissed.

Done and dated this 30th day of May, 2000, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair
and Hearings Examiner

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM